

REMARKS

Claims 7, 9-11, and 13-26 are pending. Claims 7, 13 and 20 are amended. Reconsideration in view of the following remarks is respectfully requested. Applicants appreciate the courtesies extended by the Examiner to Applicants' representative during a brief telephonic interview conducted on April 7, 2011. The above amendments and the following remarks have been prepared as a result of the interview.

As an initial matter, Applicants' Amendment of January 21, 2011 clearly did NOT necessitate the "finality" of the current Office Action. First, the only change to the claims in Applicants' Amendment of January 21, 2011 was to address the § 112 rejection by removing the word "equilibrium" from the claims and in two instances replacing "equilibrium" with --center--. No other amendments were made to the claims. Second, the Office Action expressly states that the new grounds of rejection are made "in view of a different interpretation of the previously applied references." (Office Action at Page 2). Third, it is noted that the Final Rejection does not rely on the prior Office Action's incorrect determination that certain disclosure in Applicants' specification was prior art (e.g., "AAPA") – i.e., apparently the examiner found Applicants' traversal convincing, without amendment, and thus was forced to change the grounds of rejection. Fourth, even after removing equilibrium from the claims, the current "Final" Office Action continues to refer to "equilibrium" in the recited grounds for rejection. (See, e.g., Office Action at Page 4, bottom).

Accordingly, it is unclear how the above amendments "necessitated the new grounds of rejection presented in this Office action." (Office Action at Page 15). Indeed, it is abundantly clear that the examiner's new interpretation of the prior art/claims and the inability to rely on "AAPA", not the minor January amendments (merely addressing a 112 issue), required the new grounds of rejection. Because the current Office Action was made "final" prematurely, Applicants respectfully submit that the instant amendment should be entered as a matter of right.

Translation

In view of the Office Action's new interpretation of Rumswinkel (DE 1146678), Applicants obtained a professional translation of Rumswinkel which is attached hereto. Applicants respectfully request that the Examiner consider this translation both individually and along with the already submitted machine translation.

Claim Rejections – 35 U.S.C. § 103

Claims 7, 9-10, 13-17, 19-23, and 25-26 stand rejected under 35 U.S.C. § 103(a) over US Patent No. 6,323,568 to Zabar in view of German Patent Number 1146678 to Rumswinkel. Further, claims 11, 18, and 24 stand rejected under 35 U.S.C. § 103(a) over Zabar and Rumswinkel in further view of US Patent No. 3,678,308 to Howe. These rejections are respectfully traversed for at least the following reasons.

Applicants' claim 7 recites, "a magnetic armature part which is set in linear motion to symmetrically oscillate about a center position in an axial direction" and "when the armature part is at the center position the spring is pre-tensioned to apply a force in the direction of movement of the armature part." Similar, but not identical features are set forth in independent claims 13 and 20. At least these features are not taught or suggested by Zabar, Rumswinkel, Howe, or the alleged combination thereof.

The Office Action acknowledges that Zabar does not teach or suggest displacement of the armature when the armature is in the center position. (See Office Action at Page 4). Instead, the Office Action seeks to apply a new "understanding" of Rumswinkel to cure the deficiencies with respect to the Zabar. This new interpretation appears to be that "Figure 3 [of Rumswinkel] shows the axially displaced armature in its equilibrium position; at the center position, shifted to the right, the springs are inherently pre-tensioned as they are no longer at equilibrium." (See Office Action at Pages 4-5). The new interpretation appears to assert that the center position is the position of the armature shown in Figs. 1-3.

Rumswinkel is directed to an oscillating armature used in an electric shaver. (See Rumswinkel at Page 1, Lines 2-3 – when cited, the pages and lines referred to herein are with respect to the translation supplied by Applicants). Rumswinkel discusses techniques for minimizing the air gap between the oscillating armature 2 and a magnet 1. To this end,

Rumswinkel proposes to laterally offset the bottom end of the spring 41 from the top end of the spring 42. This appears to function such that when the armature 2 and magnet 1 are aligned, the upward force provided by the springs 4 will counteract the attraction force between the armature 2 and the magnet 1. (See, e.g., Page 3, Lines 13-26).

Figs. 1-3 show the armature 2 in a position of “repose” and the spring 4 in a “relaxed” state. (Rumswinkel at Page 1, Lines 7-9; Page 3, Lines 20-22; Page 3, Lines 33-35). In other words, Figs. 1-3 show the armature in its default or resting position, a state where the springs 4 are not storing energy.

In operation, Rumswinkel discloses that the armature 2 is oscillated and periodically pulled by the magnet 1 from the position shown in Figs. 1-3 to a position “in front of the pole end face of the magnet 1 by the periodic attraction force of the magnet 1.” (Rumswinkel at Page 1, Lines 9-11). The direction of oscillation of the armature 2 is indicated by the directions 20 in Fig. 1 and the corresponding arrows in Figs 2 and 3. To Applicants, these directions indicate that the position of the armature shown in Figs. 1-3 is the position of the middle point of the oscillating movement of the armature. Accordingly, Rumswinkel fails to cure the deficiencies in Zabar for at least the following reasons.

First, as noted above, when the armature in Rumswinkel is located in the position shown in Figs. 1-3, the springs are in “a relaxed state.” In contrast, Applicants’ claim 7 sets forth that in “the center position the spring is pre-tensioned to apply a force...” Accordingly, the tensioning of the spring recited in the claims is the opposite of relaxed springs shown in Figs. 1-3 of Rumswinkel. Applicants’ independent claims 13 and 20 set forth similar features.

Second, as shown in Rumswinkel and acknowledged by the Office Action, the center position in Rumswinkel is shifted to the right (e.g., offset) from the magnets 1. In contrast, Applicants’ claim 13 recites, “the center position being the position the center of the armature part adopts when aligned with the center of the yoke body in which the armature may symmetrically oscillate relative to the yoke body between its maximum lateral deflection positions.” Here, Rumswinkel’s center position is “offset” while Applicants claim 13 sets forth the opposite of “offset,” in that, in the recited center position, the armature is aligned with the center of the yoke body. Indeed, it appears that the only time in

Rumswinkel when the magnet and yoke body are aligned is towards (or at) the left most deflection point of oscillation. This point is not the center position.

Accordingly, for at least these reasons, Rumswinkel fails to make up for the deficiencies of Zabar.

Thus, the alleged Zabar/Rumswinkel combination fails to render obvious Applicants' independent claims 1, 13, and 20. Furthermore, Howe does not (nor is asserted to) cure the above deficiencies of the Zabar/Rumswinkel combination. Accordingly, claims 11, 18, and 24 are also non-obvious over the alleged Zabar/Rumswinkel/Howe combination. Withdrawal of the above rejections is respectfully requested.

CONCLUSION

Applicants respectfully request entry of the present Amendment. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is enclosed.

Respectfully submitted,

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